

L. Riegle

Honorable Linda B. Riegle
United States Bankruptcy Judge



Entered on Docket
August 27, 2013

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re: THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," *et al.*,

Reorganized Debtors

THE LITIGATION TRUST OF THE RHODES
COMPANIES, LLC, ET AL.,

Plaintiff,

v.

JAMES M. RHODES, SEDORA HOLDINGS,
LLC, SAGEBRUSH ENTERPRISES, INC.,
GYPSUM RESOURCES, LLC, TRUCKEE
SPRINGS HOLDINGS, INC., JOHN C.
RHODES, JOHN C. RHODES, TRUSTEE OF
THE JAMES M. RHODES DYNASTY TRUST
I, JOHN C. RHODES, TRUSTEE OF THE
JAMES M. RHODES DYNASTY TRUST II,
HARMONY HOMES, INC., NORTH 5, LLC,
FARM HUALAPAI, LLC, HARMONY 2, LLC,
HAYDEN SPRINGS PARTNERS, LLC,
TROPICAL SANDS, LLC, AND RHODES
RANCH, LLC,

Defendants.

Bankruptcy Case No.: 09-14814-LBR
Adversary Proceeding No. 12-01099
District Case No.: 2:12-cv-01272-MMD
District Case No.: 2:13-cv-00704-MMD

Chapter 11

**ORDER ON STATUS CHECK AND
APPROVING FIRST AMENDED JOINT
DISCOVERY PLAN**

Date of hearing: August 21, 2013
Time of hearing: 3:00 p.m.
Presiding: Hon. Linda Riegle

Location: Courtroom 1, Third Floor
Foley Federal Building and U.S. Courthouse
300 Las Vegas Blvd South
Las Vegas, NV 89101

JAMES M. RHODES, SAGEBRUSH ENTERPRISES, INC., JOHN C. RHODES, TRUSTEE OF THE JAMES M. RHODES DYNASTY TRUST I, JOHN C. RHODES, TRUSTEE OF THE JAMES M. RHODES DYNASTY TRUST, II, and RHODES RANCH, LLC,

Third-Party Plaintiffs,

v.

CREDIT SUISSE AG, a Swiss corporation; CREDIT SUISSE GROUP AG, a Swiss corporation; CREDIT SUISSE SECURITIES (USA), LLC, a Delaware limited liability company, f/k/a CREDIT SUISSE FIRST BOSTON, LLC a/k/a CREDIT SUISSE AG NEW YORK BRANCH f/k/a CREDIT SUISSE, NEW YORK BRANCH, an entity of unknown type, and a/k/a CREDIT SUISSE AG, CAYMAN BRANCH f/k/a CREDIT SUISSE, CAYMAN ISLANDS BRANCH, an entity of unknown type; CREDIT SUISSE (USA), INC., a Delaware corporation, f/k/a CREDIT SUISSE FIRST BOSTON, INC a/k/a CREDIT SUISSE AG NEW YORK BRANCH f/k/a CREDIT SUISSE, NEW YORK BRANCH, an entity of unknown type, and a/k/a CREDIT SUISSE AG, CAYMAN BRANCH f/k/a CREDIT SUISSE, CAYMAN ISLANDS BRANCH, an entity of unknown type; CREDIT SUISSE HOLDINGS (USA) INC., a Delaware corporation; CREDIT SUISSE AG, NEW YORK BRANCH f/k/a CREDIT SUISSE, NEW YORK BRANCH, an entity of unknown type; CREDIT SUISSE AG, CAYMAN BRANCH f/k/a CREDIT SUISSE, CAYMAN ISLANDS BRANCH, an entity of unknown type; CUSHMAN & WAKEFIELD OF NEVADA, INC., a Delaware corporation; CUSHMAN & WAKEFIELD OF TEXAS, INC., a Texas corporation; CUSHMAN & WAKEFIELD, INC., a New York corporation,

Third-Party Defendants.

The Court conducted a status check on August 21, 2013 at 3:00 p.m. which was attended by William L. Coulthard, Esq. on behalf of James M. Rhodes; Sagebrush Enterprises, Inc.; Harmony Homes, Inc.; North 5th LLC; Farm Hualapai, LLC; Harmony 2, LLC; Hayden Springs Partners, LLC; Tropical Sands, LLC; and Rhodes Ranch, LLC and James Walton, Esq. on behalf of John C.

Rhodes, Individual; John C. Rhodes, Trustee of the Dynasty Trust I; John C. Rhodes, Trustee of the Dynasty Trust II; Gypsum Resources, LLC; and Truckee Springs Holdings, Inc. and Michael J. Yoder, Esq. on behalf of The Litigation Trust of the Rhodes Companies, LLC. The Court having reviewed the Proposed First Amended Joint Discovery Plan [Doc. 393], hereby approves the content and dates contained therein. The Proposed First Amended Joint Discovery Plan will control pre-trial discovery and scheduling as provided for therein.

The parties herein also request, and the Bankruptcy Court recommends, that the District Court set a jury trial on a tentative date and time convenient to the District Court's calendar after September, 2014.

IT IS SO ORDERED.

Prepared and submitted by:

Kemp, Jones & Coulthard, LLP

/s/ William L. Coulthard
 William L. Coulthard, Esq. (Nev. Bar #3927)
 Carol L. Harris, Esq. (Nev. Bar #10069)
 3800 Howard Hughes Parkway, 17th Floor
 Las Vegas, Nevada 89169
Attorneys for James M. Rhodes; Sagebrush Enterprises, Inc.; Harmony Homes, Inc.; North 5th LLC; Farm Hualapai, LLC; Harmony 2, LLC; Hayden Springs Partners, LLC; Tropical Sands, LLC; and Rhodes Ranch, LLC

LRBP 9021 Certificate

In accordance with Local Rule of Bankruptcy Procedure 9021, counsel submitting this document certifies that the order accurately reflects the Court's ruling, and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Approved	Approved
<u>/s/ Michael Yoder</u> Michael Yoder, Esq. Diamond McCarthy, LLP 1201 Elm Street, Suite 3400 Dallas, TX 75270 Emadden@diamondmccarthy.com Attorneys for the Litigation Trust of the Rhodes Companies, LLC et al.	<u>/s/ James H. Walton</u> James H. Walton, Esq. Nitz, Walton & Heaton, LTD 601 S. 10th Street, Suite 201 Las Vegas, Nevada 89101 owen@nwhltd.com Counsel for John C. Rhodes, Individual; John C. Rhodes, Trustee of the Dynasty Trust I; John C. Rhodes, Trustee of the Dynasty Trust II; Gypsum Resources, LLC; and Truckee Springs Holdings, Inc.

☐ I certify that this is a case under chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

/s/ William L. Coulthard
William L. Coulthard, Esq. (Nev. Bar #3927)
Carol L. Harris, Esq. (Nev. Bar #10069)
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169
Attorneys for James M. Rhodes; Sagebrush Enterprises, Inc.; Harmony Homes, Inc.; North5th LLC; Farm Hualapai, LLC; Harmony 2, LLC; Hayden Springs Partners, LLC; Tropical Sands, LLC; and Rhodes Ranch, LLC